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No. 539.

In the Supreme Court of the United States.

OCTOBER TERM, 1905.

JOSEPH RALPH BURTON, PLAINTIFF IN ERROR,
v.
THE UNITED STATES.

MOTION TO ADVANCE.

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JOSEPH RALPH BURTON, PLAINTIFF IN ERROR,

v.

THE UNITED STATES.

MOTION TO ADVANCE.

The Solicitor-General on behalf of the United States, respectfully moves the court to advance the above-entitled cause on the docket for early hearing.

The plaintiff in error, the defendant below, was originally indicted on the 23d day of January, 1904, for violating section 1782 of the Revised Statutes of the United States. His trial and conviction followed in March, 1904, and the case was brought to this court by writ of error. Upon motion of the plaintiff in error the hearing of the cause was advanced. On January 16, 1905, this court reversed the judgment of the District Court and remanded the cause, with direction to grant a new trial.

The plaintiff in error was reindicted for violating said section 1782, Revised Statutes, and his second trial and conviction followed in November, 1905.

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He was elected United States Senator for the State of Kansas for a term of six years, expiring on the 4th day of March, 1907. He has not resigned, neither has he participated in the deliberations of the Senate since his original indictment on January 23, 1904.

It will thus be seen that the State of Kansas has been without its full representation in the Senate for a period of nearly two years. Under the provisions of the statute, if the judgment of the court below is sustained, the office of plaintiff in error is *ipso facto* vacated. It is therefore of great importance to the people and State of Kansas, that this case be determined at an early date. The interests of the General Government will also be subserved by an early hearing.

HENRY M. HOYT,
Solicitor-General.

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